



88049616

NATIVE AMERICAN PROGRAM

OVERVIEW & PROPOSAL

DECEMBER 13, 1993



PREPARED BY

**DIVISION OF CULTURAL HERITAGE
BUREAU OF LAND MANAGEMENT**

E
98
.I5
N385
1993

BLM LIBRARY
SC-653, BLDG. 50
DENVER FEDERAL CENTER
P. O. BOX 25047
DENVER, CO 80225-0047

BLM LIBRARY
RS 150A DEQ 3 50
DENVER FEDERAL CENTER
P.O. BOX 25000
DENVER CO 80225

Table of Contents

<u>Section</u>	<u>Page #</u>
I. Introduction	1
II. Existing Policy and Program	2
III. Program Proposal	
Overview	3
Policy Guidance	4
Outreach	4
Trust Relationships	5
Recruitment	6
Field Office Service	6
Staffing and Location	7
Reporting Relationships	7
IV. Implementation	8
APPENDICES	
Appendix I Workload Priorities	10
Appendix II Workgroup Membership	12
Appendix III Working Group Minutes	13
Appendix IV Draft Proposal (November)	20
Appendix V Secretarial Order 3175	22

Native American Program¹ - Overview and Proposal

December 10, 1993

I. Introduction

On November 8, 1993 the Secretary of the Interior issued a policy clearly stating that responsibility for federal Indian "Trust" resources extends to all agencies and organizations of the Interior Department. This is not a new direction in federal Indian responsibility; however, this is a significant action by the Executive Branch clarifying and enhancing the responsibility of land and resource management agencies for the protection and management of American Indian trust resources.

The policy statement by the Secretary reflects some of the same powerful factors that have resulted in more Native American legislation in the U. S. Congress than at any time since the turn of the century. Recent Native American legislation has addressed the free practice of religion (American Indian Religious Freedom Act [P.L. 95-341]; proposed Native American Free Exercise of Religion Act [S. 1021]); control over Indian lands and resources (American Indian Self Determination and Education Assistance Act [P.L. 93-638]); ownership over and control of religious and cultural objects (Native American Graves Protection and Repatriation Act [P.L. 101-601]); administration of Indian mineral resources (Indian Mineral Development Act of 1982 [P.L. 97-382]); consultation and protection of traditional cultural properties potentially affected by federal agency actions (National Historic Preservation Act Amendments of 1992 [P.L. 102-575]), and the enhancement of constitutional protection for religious practice (Religious Freedom Restoration Act [S. 578]).

The results of this legislative redefinition of Native American governmental authorities, corporate and personal rights, and relationship to federal lands and resources are comprehensive and fundamental to the evolving relationship between land management agencies and indigenous peoples.

¹ The proposed program will address all aspects of indigenous community relationships with the Bureau of Land Management and include Alaska Native Corporations, Alaska village councils, American Indians, tribal governments, American Indian individuals and communities, and ombudsman organizations. Congress has adopted the inclusive term "Native American" for all indigenous people in response to requests by Native American traditional and governmental representatives. The term Native American was specifically sought as a more respectful and appropriate term acknowledging the indigenous status of peoples native to this continent. This convention is reflected in recent legislation (e.g. "Native American Graves Protection and Repatriation Act", "Native American Free Exercise of Religion Act", etc.) and self titling of some ombudsman organizations (e.g. Native American Rights Fund, etc). Both Native American and American Indian are terms of general acceptance with usage preferences differing among various indigenous peoples. For relationships specific to "American Indians" in the contiguous 48 states this term has been used in this document. For principles, policies and proposals relating to inclusive policy and procedural recommendations, the more inclusive term "Native American" is employed.

II. Existing Policy and Program

In 1989, the Bureau convened a workgroup to develop comprehensive manual guidance (8160) for Native American consultation and coordination. This workgroup included representatives from five BLM State and District Offices, several Headquarters offices and invited participation by a staff specialist for the Native American Rights Fund (the most active American Indian ombudsman organization in the U. S.). The draft manual addressed policy relationships, provided an overview of statutory responsibilities and specific description of how Native American consultation relationships should be addressed in planning and resource management activities of the agency.

The BLM 8160 Manual draft was distributed for comment and review by over 25 tribal governments and Native American organizations as well as other federal agencies including the Bureau of Indian Affairs, USDA/Forest Service and the Bureau of Reclamation.

In review of all other Interior bureaus and USDA/Forest Service several things are unique in the guidance developed by the BLM. The 8160 manual is the only comprehensive directive currently in place describing not only general policy but specifically describing agency mandates and program relationships and responsibility for implementation. The planning-based emphasis in the 8160 manual has been adopted by other agencies and employed as a model for coordination guidance contained in the draft "Native American Free Exercise of Religion Act" [S-1021].

While the BLM Native American Coordination and Consultation Manual (Manual Section 8160, attached), remains unique in scope and specificity, it has suffered from several of the same shortcomings as other "policies" developed by federal agencies describing their relationship with Native American communities. Several of the tribes commenting on a draft of this paper remarked that the success of our efforts in "Indian Country" will be measured by our ability to involve tribes in agency decision-making, address concerns on agency lands relating to the ongoing tradition of Native People and demonstrate that Native American participation is meaningful in its effect on agency programs and decisionmaking actions, *not our rhetoric*.

The concern for agencies to move beyond policy in addressing Native American issues has also been expressed in the current deliberations in Congress. In the words of Senator Daniel Inouye at the Sept. 1992 oversight hearings on S-1021, "Congress is compelled to act in the matter of protecting Native American rights because agencies have not. While some agencies point to "**policies**" which demonstrate sensitivity to these issues, their **actions** more often than not belie contempt for the rights of Native People."

It is a large step to move from a policy to a programmatic relationship with tribal governments and Native American communities, which is affirmatively, consistently and comprehensively reflected in all of the actions of BLM's land use planning and resource

management actions. This is not a change in the agencies' mandate or policy, relative to Native Americans, but rather the full implementation of it.

The 8160 Manual has been repeatedly cited as a model for Native American program development; however, at present there is no comprehensive, coherent Native American program in BLM. In our coordination meeting of November 18, 1993, it became clear that many of the participants in the discussion (including BLM representatives) were unaware of the existence of current manual guidance.

As Bill Calkins (Acting State Director, New Mexico) observed, "At present there is no one to inform BLM managers as to our current policy. Perhaps the greater problem however, is that if as a State Director I want assistance on Native American issues, *there is no one really to go to.*"

III. Program Proposal

Overview

To address some of the issues raised in the preceding section the Deputy Director requested the preparation of an "Options Paper" by W.O. 280 (October 1993). Following review of this draft by headquarters Assistant Directors (AD's) and staff, the Deputy Director prepared a discussion draft. On Nov. 18, 1993, a working group of BLM and other invited agency representatives met to discuss the proposal and provide input to this final options analysis.

Following the model set forth in the Deputy Director's concept paper and Assistant Directors' comments, a small program staff is envisioned which would provide coordination, assistance, policy guidance, training, and outreach on Native American issues **Bureau-wide**. This staff will report to the Director through the proposed Division of Ecosystem management. It is intentional that the focus of this staff will be to support the State Directors and headquarters in comprehensively addressing the full spectrum of relationships between the Bureau and Native American communities, tribal governments, Alaska Village Councils, and Native Corporations, the development of affirmative and coordinated programs for increasing Native American participation in agency programs and Native American representation in our workforce.

Program Relationships

The Bureau has established a wide range of specific programs addressing Native American relationships and tribal government services. The Native American coordination staff will provide a focus for Native American policy and program

development Bureau-wide. The staff will be responsible for support and coordination among existing programs (e.g. Indian Minerals management, Native American Grave Protection Act consultation, etc.) and building a broader capability to involve Native American communities in the land and resource management programs of the Bureau. The program will also provide a focal point for addressing affirmatively the Bureau's relationship with tribes on a government to government basis.

Policy Guidance

Both the statutory and regulatory basis for federal relationships with Native American organizations and tribal governments is rapidly evolving. At present, policy guidance for these relationships is delegated to program staffs in BLM with legislative analysis coordinated by the Division of Legislation and Regulatory Management (W.O. 140) and Congressional liaison workloads under the responsibility of the Division of Congressional Affairs (W.O. 150).

The Native American program staff, working with W.O. 140 and W.O. 150, will provide a coordination function for the review and analysis of policy issues involving all aspects of Native American legislation and rulemaking that affect Bureau programs. The staff will be primarily responsible for facilitating the participation and review of all appropriate AD's and State Directors in the formulation of policy and response to legislative initiatives as well as lead for BLM participation in Departmental rulemaking and interagency policy coordination. The staff will also have primary responsibility for the development of comprehensive policy guidance for consultation, coordination and documentation of Native American program aspects and relationships.

Outreach and Cooperative Opportunities

Both general and specific legal authorities provide the opportunity for the Bureau to expand cooperative relationships with tribal governments and Native American organizations to manage lands and resources, provide law enforcement services, and provide outreach and technical assistance to tribes. Such programs are already in place in several states providing enhanced rangeland management, regularized budget and program coordination between BLM and tribes, and joint management of endangered species habitat, riparian areas and cultural resources.

The Native American program staff, in coordination with the AD's for Land and Renewable Resources (W.O. 200), Planning and Environmental Coordination (W.O. 760), Energy and Mineral Resources (W.O. 600) and other appropriate staffs, will provide these field offices with technical support and policy direction for the development of cooperative resource management programs, shared staffing relationships and scarce skill support to tribal governments and Native

American communities (eg. cadastral, minerals, archaeology, etc.) support.

BLM's land use planning system offers the perfect context in which to develop a consultation-based, cooperative, management relationship with tribal governments and Native American communities. Throughout the western United States, Indian trust lands are adjacent to public lands holdings. In this context a *true* ecosystem-based management strategy necessitates the participation of tribes as full partners in regional land and resource management programs. In addition to these coordination relationships, the exercise of treaty rights may be guaranteed on public lands.

The Native American program staff, in cooperation with W.O. 760 and cooperating Native American resource management organizations, provide support to State Director's in facilitating greater involvement of tribal governments in BLM land use planning and cooperative land management. The staff would provide a resource for the development and exchange of information and guidance on the development of cooperative management agreements, technical/scarcce skills assistance relationships, multi-jurisdiction coordination of land use planning efforts, and information exchange and support for State Directors and field offices.

Trust Relationships

The trust responsibility of the Bureau, insofar as its programs may affect the trust resources of federally recognized Indian tribes, crosscuts our planning and resource management programs. There are two significant components of this relationship for the Bureau: those programs or activities of the Bureau that may affect tribal resources (eg. water quality, timber value, off-reservation hunting and fishing rights, etc.) and those tribal resources for which the Bureau has a direct management responsibility. Certainly the most significant program in this latter category is the administration of minerals on behalf of recognized tribal governments (as defined in 25 CFR 83) and Indian allottees.

The Native American program staff would facilitate coordination of tribal outreach efforts between existing minerals programs with other BLM programs. It would also provide inter-regional support for the tripartite (BLM, MMS, BIA) working group currently in place to coordinate Indian Mineral programs. Many of the difficult and complex issues with which this group is dealing could be supported by policy coordination with other agency programs as well as access to information and resources for integrating minerals outreach and program administration priorities with other federal, state and tribal entities performing these same functions for non-mineral activities.

This integrated approach will increase the available resources for meeting our trust

responsibility and provide additional support for those efforts already being undertaken by minerals and other staffs.

Recruitment.

Given the broad spectrum of professional career opportunities in the Bureau, BLM has the potential to draw from among the most qualified candidates in natural resource fields and bring the perspective of Native Americans into the agency through their employment in technical and management careers. The key to such success in this area is not simply the recruitment of Native Americans, but the recruitment and coordinated hiring of *fully qualified professionals and outstanding students in natural resource fields who are Native American*. Several professional networks and coordinated service programs are in place for Native American students and in professional associations, which can provide the opportunity for BLM to identify and place Native American professionals.

The Native American program staff will assist Support Services (W.O. 700) and augment existing recruitment and placement programs by providing a single point of contact for identifying Native American candidates, assisting in outreach and recruitment efforts and actively seeking candidates for specific vacancies throughout the country at major universities, and through Native American ombudsman organizations.

Field Office Service

At present there is no staff responsible or available to provide support to field offices in the development of comprehensive consultation relationships, training or guidance for outreach and tribal relationship programs or technical assistance for problem resolution, which cross-cuts BLM programs (e.g. repatriation, land use and access issues, religious freedom challenges, resource management conflicts, etc.)

A key function of the Native American Program staff will be to provide service and technical support to field offices including: information and networking within BLM and with other agencies; technology transfer and training support through the development of both formal course material (in conjunction with the Phoenix Training Center) and problem-specific assistance; conflict resolution guidance and assistance; and communication, outreach and program development expertise.

Staffing and Location

Location:

Given the heavy emphasis in program development upon field service and coordination, **the staff should be situated in the field** to provide the highest level of support to Bureau field offices and proximity to (and access to) tribal governments and Native American communities. The Four Corners area (the cities of Santa Fe or Albuquerque were recommended by the acting New Mexico State Director) for coordination with the existing Native American Minerals Policy Office (NAMPO), proximity to major land holding tribes and the training center.

In any case, the November 18, 1993 working group seemed to reach consensus that a headquarters coordination role (an individual or limited number of individuals on existing staffs in W.O.) should be assigned primary responsibility for coordination of Native American issues on Capitol hill.

As proposed technical, and policy analysis would be performed by the Native American program staff, and the headquarters liaison would provide single point of contact for coordination, Departmental representation and Hill interface on Native American issues addressed by the Washington office.

Staffing

A minimum initial staff of three persons is recommended including a program Director/Policy Analyst; a consultation specialist, with primary responsibility for new statutory consultation responsibilities under the Native American Graves Protection and Repatriation Act (PL.101-601); and a tribal relationships/program support and coordination position. These positions should be augmented by one more individual serving as W.O. liaison for headquarters, interagency and Congressional contacts.

Reporting Relationships

The largest catalog of recent Native American legislation has been in the area of cultural patrimony, consultation and religious freedom issues (i.e. Native American Graves Protection and Repatriation Act (1990), Religious Freedom Restoration Act (1993), consultation provisions of the National Historic Preservation Act (1992), and the sweeping proposal of the Native American Free Exercise of Religion Act [S-1021].

For these reasons it is recommended that the staff report on an interim basis to

the Chief, Division of Cultural Heritage (W.O. 280), with an emphasis on the coordination and policy development responsibilities of the Native American Program. For the effective and comprehensive development of this program the staff should report to the Director as a component of the proposed "Ecosystem" headquarters staff.

As the W.O. reorganization proceeds, it will become clearer where it is best to place the staff's reporting function within an ecosystem-based management framework.

IV. Implementation

The following are recommended for action by the Director:

Initiation: *The staff should be in place at the earliest opportunity (January 1994).*

BLM is facing statutory mandates for initiation of consultation under the Native American Graves Protection and Repatriation Act (P.L. 101-601). Volatile resource management issues are stimulating Native American opposition and potential conflict in several states. Cross program coordination could substantially enhance current policy efforts of the tripartite working group for minerals programs as well.

Location: *In consideration of earlier drafts and working group recommendations, the four corners area is recommended for staff location.*

It is recommended that a location and initial staffing level be selected by W.O. 100, in consideration of staff input in this analysis (and Appendix II), at the earliest opportunity and a Program Director selected.

Additional staff positions would be recruited with an emphasis on *highly qualified professionals with broad career experience* in addressing these issue and active recruitment of Native American staff. Staff should be in place by late Spring or early Summer 1994, to participate fully in FY 95 AWP and program integration.

Advisory Groups:

A permanent policy working group of key BLM personnel and selected external agency representative (BIA, MMS, USFS, FWS,EPA) should be established to facilitate program and policy coordination for the Native American staff. It is recommended that the working group which provided the input to the W.O. 101 proposal for this staff initially serve in this capacity. Several reviewers recommenced a higher level of involvement

in this policy group of field representatives from "all levels" (i.e. S.O.,D.O. A.O.).

Regional working groups are recommended to address the issues specific to different tribal and Bureau program relationships and priorities. Regional workgroups should include representation from BLM line management, appropriate professional staffs (lands, minerals cultural etc.) and Tribal government and Native American community representatives. At a minimum regional coordination workgroups are recommended for Alaska, California/Oregon, Montana/Idaho/Wyoming, Eastern States and the Southwest (Four Corners Area).

Workload Priorities:

Based upon the deliberations of the working group (November 18,1993) and comments received on drafts of this proposal, several priorities were identified for the initial workload of the Native American Program staff.

Critical tasks include: the update of BLM's comprehensive Native American relationships policy and implementing guidance; development of an effective internal and external communication strategy for Native American program issues; the identification of cooperative management and coordination opportunities. These issues are recommended as an initial focus of the Native American Program staff. Specific pilot recommendations are discussed in Appendix I.

APPENDIX I: Workload Priorities

The following tasks represent initial staff recommendations for immediate action by the Native American Program staff:

1. National Native American Policy Development

There is a clear and immediate need for a **comprehensive Native American Consultation, Coordination and Relationships policy and implementing language**. The product should include not only a general policy but specifically identify program relationships, relationship to authorizing statute and regulatory direction, and responsible officials. Such guidance developed in 1990 in BLM Manual 8160, "Native American Coordination and Consultation" would be employed as a model and updated and expanded to include recent statutory changes and broader discussion of specific program relationships (i.e. lands, minerals, planning, cultural). It is recommended that an interdisciplinary working group be assembled to develop a comprehensive policy and procedures document and coordination of review would be conducted through the "policy Committee" described in the body of this document.

2. National Information Exchange Network

A central theme in the development of a Native American coordination staff in the BLM is the creation of a **mechanism for communication and data exchange** among Bureau offices, tribes, universities, other agencies and Native American ombudsman organizations. As a means of providing an immediate communication facilitation service through the Native American program, two vehicles for data exchange are recommended:

- a. A national Native American issue share file posted to internet. Currently over 40 tribes, all potentially cooperating universities and all BLM offices have EMS access. The proposed database would serve as an immediate means for BLM field offices to stay abreast of developments affecting BLM programs as well as share information and discuss programs issues involving the Native American community. Several linked share files are anticipated which would address legislation and policy, recruitment and cooperative education opportunities, and resource management and tribal partnerships.
- b. A quarterly "Native American Policy and Program Update" (Update). For five years CA 930 has been publishing a "Native American Update" distributed

to SD's and AD's. A periodic program summary of this type would be a useful mechanism to provide basic information on legislative developments, significant BLM program activities and emerging policy issues. The Policy Committee and "Regional Working Groups" could provide a liaison role between the Native American coordination staff and their individual offices, agencies and programs in providing input for this "Update".

3. Partnership Agreements in Natural Resource Management

At present several major tribal entities and Native American resource management organizations are identifying an interest in **partnerships** and cooperative resource management which provides a unique opportunity to develop a regional ecosystem based cooperative approach to resource management and address recruitment and training opportunities for Native American professionals and students within the Bureau.

The Intertribal Timber Council (ITC) has just published their "Assessment of Indian Forests and Forest Management in the United States" (December 1993). This report identifies the opportunity to enhance Indian Forest Management by acquisition of other agency resources (scarce Skills) and coordinated forest planning and management. Both the Navajo and several Oregon tribes have expressed an interest in the development of regional cooperative resource management agreements.

Development of a regional cooperative resource management pilot program could simultaneously address BLM field office tribal coordination needs, significantly benefit ecosystem management initiatives in areas with significant tribal land holdings, and provide a basis for cooperative education and recruitment programs. Colorado State University (CSU), UCLA and Cornell all pitches resources for the identification and support of American Indian Student Coops. Additionally CSU is in the process of developing an "American Indian Natural Resources Center.. to meet the increasing demand for natural resource managers on Indian lands". This program directly compliments the efforts of the proposed Native American program staff and other university resources.

APPENDIX II**November 18, 1993 Workgroup Membership****BLM Native American Program Development Meeting**
November 18, 1993**Agency Representatives**

<u>NAME</u>	<u>OFFICE/AGENCY</u>	<u>PHONE</u>	<u>FAX</u>
Robert Laidlaw	BLM/CASO	(916) 978-4730	(916) 978-4364
Bob Tippeconnic	USDA-FS	(202) 205-0892	(202) 205-1174
Bill Calkins	BLM/NMSO	(505) 438-7400	(505) 438-7435
Michael Swartz	BLM/WO	(202) 208-7722	(202) 208-4800
Tom Lonnie	BLM/Billings	(406) 255-2805	
John Douglas	BLM/WO-280	(202) 452-0330	(202) 452-7701
Marilyn Nickels	BLM/WO-280	(202) 452-0330	(202) 452-7701
Anne Ewell	MMS/RLO	(202) 208-3512	(202) 208-3392
Mat Millenbach	ASLM	(202) 208-7229	(202) 208-3144
Bob Faithful	A. D./Headquarters	(202) 452-7730	(202) 452-7731
Dick Wilson	BIA/(Lakewood)	(303) 231-5070	(303) 231-5085
Julie Falkner	BLM	(202) 208-7701	(202) 208-5902
Twinkle Thompson	BLM	(202) 208-6913	(202) 208-6769
Don Sokoloski	BLM/WO-600	(202) 208-4201	(202) 208-4800
Charles Bush	BLM/ESO	(703) 440-1745	(703) 440-1599
Gordon Knight	BLM/BIA Liaison	(202) 260-6998	(202) 260-0129
Edward H. Hall	BIA/Transportation	(202) 208-4359	(202) 208-4696
James W. Shaw	MMS/RMP	(303) 231-3058	
Lucy R. Querques	MMS/Policy Office	(202) 208-3398	
Eric B. Wilson	AS/IA	(202) 208-3338	(202) 208-7504

APPENDIX III Consolidated Minutes of the Native American Working Group

BLM Native American Program Development Meeting November 18, 1993

compiled by R. Laidlaw

I. Current Status of Native American Coordination-

James Shaw - MMS/RMP

Coordination and support needs to be focused at the program level in field offices.

A consolidated and coordinated policy staff or policy direction needs to come from the headquarters level.

The program needs to have the capability of responding to geographically distinct program needs and issues.

Lucy Querques - Office of Indian Assistance

Among other topics a program needs to be able to accommodate and respond to minerals questions (from Tribes) and relationships.

Training/Information services for tribes (e.g.videos) should be developed.

A principle concern is "How to communicate with an Allottee."

Suggestion: Review outreach plans of BLM, MMS, BIA and as a possible model.

Bob Tippiconnic

Focus on American Indians and Alaska Natives

Develop Policy and establish a "figurehead"

Institutionalize the program.

Michael Schwartz

Develop integrated policies across program lines.

Fiduciary role should be emphasized in addressing resource and minerals relationships with tribes.

Tom Lonnie

Program overview (Montana)

There is a close working relationship with Billings and Aberdeen offices of the BIA and a goal to establish a good working relationship with the Blackfoot.

Cultural awareness (Native American) training is being developed at the State Office.

The minerals program is very effective on Tribal Lands

Program Needs:

There is a pressing need to understand and address traditional values and religious values which are not subject to "mitigation".

Policy and support should be available to "Deal with the tribes the same way we are dealing with the state governments."

Bill Calkins, NM

Program Requirements:

Bureau-wide (and comprehensive) policy on Alaska Natives and American Indian relationships and responsibilities.

We need a control focus on Indian Matters - i.e. a staff responsible and available to the State Directors as a resource on all matters which involve American Indians and Alaska Natives.

Opportunities such as PL 93-638 contracts should be approached positively (Alaska example provided).

Cooperative management relationships with tribal governments should be expanded.

New Mexico has been a central focus of American Indian Programs.

Integrate (coordinate) the functions of the Native American Minerals Policy Office (NAMPO) with the proposed Native American Coordination staff.

Possible locations:

- Maybe part office in Albuquerque
- Maybe Santa Fe
- Denver is a possibility

Policy development should be cited as a first task.

Anne Ewell - MMS

Concern for addressing and clarifying the implications of "Trust Responsibility".

Work on the issue of how we can still perform trust responsibility - Incorporate review and performance stipulations.

Matt Millenbach

Issue: There is currently no specific assignment of BLM staff to addressing Indian Issues.

Some of the current issues which must be addressed by the Bureau include:

- Land claim legislation
- Navajo/Hopi settlement Act. case settlement
- Nez Perce, Crow Tribe, etc.

Liaison needs to be maintained between the agency and John Duffy in his role as primary contact in Secretary's Office.

We need to have the staff function to provide effective program interface.

A function of the staff (or a specific individual) should be the effective coordination of Departmental and Hill Native American issues.

Eric Wilson - Office of American Indians Trust

An organization like this (Native American Coordination function) is critical for an agency such as BLM.

Ada Deer will be the focal point within the Department for Indian Issues (primary Departmental responsibility).

Initiatives:

A major Departmental initiative which will involve BLM is the creation of "Empowerment Zones" in Indian Country.

An executive order is being sought on Trust Responsibility to emphasize the Secretarial Order.

Common themes for interagency program coordination:

- Treaty Interests to be addressed by secretary as zones of interest (legal interests).
- Tribal Self Determination will be emphasized in Natural resource management.
- Cooperative and support for Tribes will be emphasized in development of resource management capability for tribes.

Ed Hall - BIA Transportation

NAFTA - Broadening of Transportation Conservation Management and tribal roles in transportation and tourism based economic development.

We have a special opportunity at this point in time to broaden 93-638 relationships between agencies such as BLM and Tribes.

BLM should focus on consultation with Tribes as a strategic component of any program to assure that tribes are involved in agency planning and decisionmaking.

Tribes should be recognized as equal partners in the development of policy.

Agency resource coordination, policy coordination and technical assistance should be expanded in developing relationships with tribes.

Key issues should be identified in areas of intermixed tribal and public lands as opportunities for cooperative management.

In all cases **local** program development and **local** input is critical.

Gordon Knight - EPA/Liaison

Very impressed by interagency effort.

Needs:

- A comprehensive BLM Policy
- Need to Integrate policies, progress and efforts.
- Do not let minerals issues drive the proposed staff or program but integrate minerals issues into a broader initiative.
- focus on roles and relationships "strategy" as a first step

Charles Bush - ESO/DA

Consult early and consult after.

Re-invent how we think about Indians as partners.

Integrate this effort with Cornell pilot and other State initiatives ...coordinate all of the BLM activities in this area.

Institutionalize this effort at once and build a budget!

II. General Discussion

Roles & Responsibilities for a total program

- Trust Responsibilities - Cadastral - Law Enforcement
- Indirect Responsibilities Consultation, Sacred Sites, etc.
- Diversified Workforce and Recruitment
- Technical Assistance to Tribes

Program Functions:

- Departmental and Hill Liaison (A single person or consolidated responsibility for headquarters external coordination should be in Washington D.C.)
- Cross program integrated coordination of all Native American issues.Hill Coordination on all Native American Issues.
- A permanent ombudsman role for Indian issues should be played within the agency by this staff.

Policy

- The staff should be the focus (source) of BLM Native American policy development.
- New broadly-based directives series should be issued clarifying all program roles responsibilities and relationships with Native Americans.
- Policy development should incorporate a coordinated review of other agency efforts.
- A special need exists to specifically develop policy and procedural guidance addressing PL 93-638 contract relationships.
- Policy should integrate and bridge the roles of various BLM offices involved in Native American program issues.
- Develop specific policy and program guidance to provide outreach and assistance to tribes and Native American communities (This is a new responsibility and role for many BLM programs).
- Describe the comprehensive Nature of Native American program issues in the framework of Ecosystem Management.

Service to BLM Offices

- This staff should be a central Point of contact as a resource to State Directors and field offices.
- The staff should represent a national point of contact as a resource for policy clarification, training needs assessment, scarce skills assistance and program development support.

- To assure contact with the issues in Indian Country and accessibility, the staff should be field based and report to headquarters.
- The staff should supply inter-office (BLM) and inter-agency (including tribes) program and planning coordination assistance.
- The staff should be a principle resource for support of Native American recruitment, training and outreach.

APPENDIX IV Deputy Directors's Draft Proposal (November 1993)

BLM'S NATIVE AMERICAN PROGRAM

ON-GOING ACTIVITIES

With responsibility for management of 270 million acres of surface and nearly 500 million acres of subsurface minerals, BLM has many opportunities to interact with Native Americans (American Indians and Alaska Natives). Examples of current activities include:

- o trust responsibilities related to minerals management
- o reimbursable cadastral surveys
- o financial sponsorship of AISES
- o teaching at Haskell College
- o interpretation of impacts of legislation and regulations related to Native American issues
- o preservation/restoration/interpretation of cultural resources
- o grazing permits and other use authorizations (e.g. recognition and permitting of religious and subsistence activities in areas otherwise excluded from use.
- o some office are engaged in education-related activities with local tribes (e.g. Eastern States agreement with Cornell, State University of New York and Mohawk tribe to increase student participation in natural resources, Alaska's resource Apprenticeship Program for Students encouraging high school students to stay in school, etc)

But there remains a lot to be done in the areas of conflict resolution, education and employment, economic development, and improving general communication and coordination between members of Native American communities and BLM. There is a senior social scientist in California, who works on native American issues, and a team in New Mexico, which works on ;minerals issues with tribes; but there is no central focus or bureau-wide direction and guidance related to the growing number of Native American-related issues and needs.

PROPOSED NATIVE AMERICAN PROGRAM

BLM has formed a committee under the leadership of the Washington Office Division Chief for cultural Resources, to develop a proposal for a program to address these needs:

The goals of such a program include:

- 1) Establishing Headquarters Policy
 - review and comment on draft legislation
 - preparation of bureauwide regs, procedures and guidelines

- identification of training needs
- coordination with other Federal agencies, non-profit groups and other organizations
- coordination with Assistant Directors and State Directors

2) Providing assistance to Native American communities

- information transfer
- rural/urban economic development
- employment opportunities
- National Service/volunteer/education opportunities/RAPS
- technical advice (environmental equity, range & w/l mgt, etc.)
- minerals expertise and assistance, trust responsibilities
- environmental education

3) Providing service to BLM offices

- networking
- technology transfer among offices
- conflict resolution with tribes
- technical advice/interpretation re: legislation, procedures
- assistance with cultural diversity training

4) Coordinating policy and activities with other Federal (e.g. BIA, MMS, OSMRE, FWS, NPS) agencies and other national groups and organizations.

APPENDIX V "Departmental Responsibilities for Indian Trust Resources"

ORDER NO. 3175

Subject: Departmental Responsibilities for Indian Trust Resources

Sec. 1 Purpose. This Order clarifies the responsibility of the component bureaus and offices of the Department of the Interior to ensure that the trust resources of federally recognized Indian tribes and their members that may be affected by the activities of those bureaus and offices are identified, conserved and protected. It is the intent of this Order that each bureau and relationship with federally recognized Indian tribes and that the bureau of Indian Affairs provide timely and accurate information upon the request of their Interior Department counterparts.

This Order is for internal management guidance only, and shall not be construed to grant or vest any right to any party in respect to any Federal action not otherwise granted or vested by existing law or regulations.

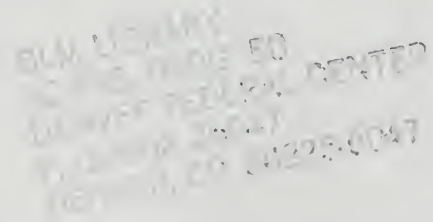
Sec. 2 Authority. This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

Sec. 3 Responsibility. The heads of bureaus and offices are responsible for being aware of the impact of their plans, projects, programs or activities on Indian trust resources. Bureaus and offices when engaged in the planning of any proposed project or action will ensure that any anticipated effects on Indian trust resources are explicitly addressed in the planning, decision and operational documents; i.e., Environmental Assessments, Environmental Impact Statements, Management Plans, etc., that are prepared for the project. These documents should clearly state the rationale for the recommended decision and trust responsibilities. Bureaus and offices are required to consult with the recognized tribal government with jurisdiction over the trust property that the proposal may affect, the appropriate office of the bureau of Indian Affairs, and the Office of the Solicitor (for legal assistance) if their evaluation reveals any impacts on Indian trust resources. All consultations with tribal governments are to be open and candid so that all interested parties may evaluate for themselves the potential impact of the proposal on trust resources.

The heads of the Department's bureaus and offices will prepare and publish procedures and directives prior to the expiration of this Order to ensure that their respective units are fully aware of this Order and that they are in compliance with the intent of the Order. Prior to final issuance, the Office of American Indian Trust will review and comment on these procedures before their approval by the Assistant Secretary - Indian Affairs.

Sec. 4 Effective Date. This Order is effective immediately. Its provisions will remain in effect until October 1, 1994, or until it is amended, superseded, or revoked, whichever occurs first.

Date: November 8, 1993



BLANK 100
DENVER FEDERAL CENTER
P.O. BOX 25047
DENVER, CO 80225-0047

LIBRARY'S CARD

5 1993

can Program

	OFFICE	DATE RETURNED

(Continued on reverse)

E 98 .15 N385 1993

Native American Program

BLANK 100
RS 15- 31-10-10
DENVER FEDERAL CENTER
P.O. BOX 25047
DENVER, CO 80225

BLM LIBRARY
SC-653, BLDG. 50
DENVER FEDERAL CENTER
P. O. BOX 25047
DENVER, CO 80225-0047